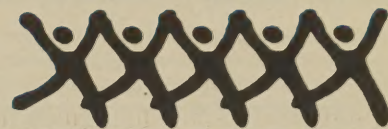


Freedom Watch



Citizens Project

Free Speech Under Attack

The Amendment 16 Vote

What is Amendment 16, and why do most people in Colorado oppose it? Why did the *Denver Post* urge a "no" vote on Amendment 16? What difference does it make?

Amendment 16 Ironies Abound

The ironies surrounding Amendment 16 well illustrate the strange twists of Colorado politics:

- Proponents of less government interference in people's lives are strongly advocating this new constitutional amendment to abridge constitutional freedoms of the people and promote increased governmental regulation of free speech.
- Many opponents of federal interference into states rights back Amendment 16's federal standard of free speech over Colorado's constitutional standard.
- Groups that complain about ever-greater government spending want to pass this amendment which will encourage endless costly litigation, often at taxpayer expense.
- Some who advocate individual responsibility rather than governmental paternalism want to amend our Constitution to implement this new governmental restriction on ideas and material, instead of relying on individual decisions.
- Many who protest governmental interference in the marketplace want to prohibit people from voting with their pocket-books when it comes to erotic materials.

The amendment

Amendment 16 seeks to diminish freedom of speech in Colorado for our protection. Amendment 16 proponents are clear on the problem. They say, "The Colorado Supreme Court has interpreted the Colorado Constitution as providing greater protection to expressive activity, including obscenity, than under the First Amendment." Amendment 16 is designed to put a stop to that.

"Amendment 16 seeks to diminish freedom of speech in Colorado for our protection."

Amendment 16 would change the Colorado Constitution by adding these words: *"To the full extent permitted by the First Amendment to the Constitution of the United States*

of America, the promotion of obscenity may be controlled by the state and any city, town, city and county, or county."

The purveyors of Amendment 16 say we must pass this law to save us from what they say is the rampant pornography already attracted by Colorado's strong free speech rights. To save us, they want to apply federal standards to further limit our freedom of speech in Colorado. Is this a good idea?

The polls

A recent *Denver Post/News 4* poll showed that 57% of those polled were against Amendment 16, with 27% in favor. The *Post* also editorialized against Amendment 16: "Simply put, adult Americans should not be deprived of their freedom to

[Continued on Page 2]

The Second Chance Raid

On August 29, the Second Chance Ministries' boarding school near Calhan was raided by state and county officials executing a search warrant and serving court orders to close the school for suspected violations of state

licensing laws and for possible child abuse. Second Chance Ministries is a private "boot camp"

and boarding school for boys with legal or discipline problems, emphasizing Christian discipline.

The Second Chance raid caused considerable reaction in our divided city. Some condemned the raid as governmental persecution of Christian fundamentalists. Others praised the raid as fair enforcement of the licensing

laws and a proper refusal by governmental authorities to grant "special rights" to religious groups.

Many may be tempted to weigh in against "special rights for religious groups," particularly when many conservative Christians embraced a "no special rights" slogan in the recent Amendment 2 controversy. However, the Second Chance raid does raise serious issues involving religious freedoms which should concern followers of all religious and spiritual persuasions.

Here is a quick look at some of these religious liberty issues.

The licensing issue

One charge against Second Chance was that it operated an unlicensed Residential Child Care Facility [RCCF] in violation of Colorado statutes which regulate RCCFs. RCCFs are facilities for the residential

care of troubled children and are based upon a therapeutic model, with professional counselors available to

the children in these facilities. RCCFs are licensed and heavily regulated to ensure proper care for the residents and to prevent abuse of children.

Some religious groups are suspicious of psychiatric (or therapeutic) care. They believe that psychiatric care is misguided because it seeks emotional healing from human sources rather than

seeking spiritual and emotional healing from God. Such believers reject the therapeutic model and often seek rehabilitation for their children at facilities

like Second Chance, which emphasize discipline and religious solutions.

The Colorado RCCF law recognizes the possibility for such alternative models by exempting from governmental RCCF regulations "special schools or classes operated primarily for religious instructions." This exemption allows for the religious freedom of choice protected by the First Amendment. Second Chance argued

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Who Owns Celebration 2000?

Book fair company scrutinized by District 12 parents

A Colorado corporation owned by Judson and Olga Gary of Colorado Springs sells books at local public schools. The company, Celebration 2000, has been very successful over the past two years marketing secular books to parents, students and teachers. But when a group of District 12 parents inquired where the profits were going, red flags appeared.

Celebration 2000, according to records Citizens Project obtained from the Colorado Secretary of State's office, is a subsidiary of a religious order called Global Service Office. Its mission is to "...aid in the renewal and renovation of civilization at the dawn of the third millennium through the spread of the gospel of Jesus Christ." Parents questioned the business arrangement between Celebration 2000 and the public schools, saying that books buyers should know *beforehand* that part of their purchase (the profits) goes toward the stated corporate purpose.

District 12 administrators questioned the Garys about Celebration 2000. The result? Book fairs at District 12 are now run by a company called Children Come First, incorporated just a week after the inquiries. This new company, says president Olga Gary, is not connected with the religious order. One school, Canon Elementary, has chosen to look to another company for book fair services. **CP**

Eye On Schools

District 20

The District 20 school board adopted a sex education curriculum and a policy on teaching about religion. The sex ed curriculum will be 3-4 weeks in length and will be taught as part of the 9th grade health class. Participation in the sex ed curriculum will be optional. The teaching about religion policy provides guidelines on instruction about religion, but protects against proselytizing.



District 12

A parent has spoken to District 12 officials about a coach who has been holding post-game prayers with players. In another incident, a parent is talking with the school principal about a classroom teacher who may be making inappropriate references about the teacher's religion to students. Citizens Project will follow these developments.

District 3

A junior high parent has voiced concerns about her child's music program, which is oriented toward Christian music. The parent has discussed the music program with the music director and the school principal, so far without effect. We will keep you informed.

If you would like further information on schools issues or if you would like to participate in the Citizens Project schools network, please contact Pat Tolle (520-9899) or Julie Willis (630-1466). **CP**

Note From the Executive Director

It's a pleasure to be involved with Amy & Doug and all the volunteers at Citizens Project. Our nonprofit corporation dedicated to pluralism, freedom of religion, and the separation of church and state continues to grow at a rapid pace. With your help and interest, we will continue to grow to meet the continuing challenges in our community.

Fundraising is a priority. This month, Marj Webster initiated an intimate concert series at private homes (our first one at Bill and Suzanne Starr's was a huge success), and we are expanding the Citizens Project Store (new and improved CP T-Shirts are now available, including the new "rainbow series"). As always, Amy is working on our Dialogue Dinners, Doug continues with *Freedom Watch*, Pat burrows in with schools, programs and volunteers, and Christine keeps us all busy with research.

Thanks for your support. I look forward to meeting and working with all of you. *Bill Huddy*

Free Speech (Continued from Page 1)

look at whatever videos, magazines or books they desire just because some perverts may use them in committing crimes, any more than citizens should be denied their right to bear arms simply because some sociopaths may use such weapons for purposes other than hunting or target practice."

The nagging questions Important question #1

Is Amendment 16 likely to hurt our libraries and mainstream booksellers?

Proponents of Amendment 16 maintain that hard-core pornography must be eliminated, and that only Amend-

ment 16 can do that. Opponents are concerned about the likely "chilling effect" of Amendment 16, which will encourage challenges to literary freedom against libraries, movie houses, and booksellers. Those who believe Amendment 16 could not affect libraries should know the range of library materials recently challenged as obscene, pornographic, or sexually offensive. These include *The Diary of Anne Frank*, *A Farewell to Arms* (Ernest Hemingway), *Ulysses* (James Joyce), *The Great Gatsby* (F. Scott Fitzgerald), *Clan of the Cave Bear* (Jean Auel), *I Know Why the Caged Bird Sings* (Maya Angelou), *A Separate Peace* (John Knowles), *Tarzan* (Edgar Rice Burroughs), and the video *E.T.*

Important question #2
Have Colorado's existing regulations on erotic materials made Colorado a crime capitol of America?

Coalition Helping to Insure Laws for Dignity (CHILD), the chief proponent of Amendment 16, states that Colorado ranks 49th out of the 50 states in regulating erotic materials. "Hard-core pornography," says CHILD, "leads to violence against both women and children." Opponents dispute the ranking of states and question whether pornography is a significant cause of violence. Regardless, CHILD's analysis (although disputed) would lead us to expect that Colorado would have a higher rape rate than the 48 other states that

are supposed to have broader censorship laws. But the facts don't back this up - Colorado's 1993 statistics for rapes are well below that of many other states, and recently released statistics show rapes in Colorado this year decreased four percent from a comparable period in 1993.

Important question #3
Would Amendment 16 help eliminate child pornography?

When Amendment 16 was circulated for signatures, some petition circulators used this argument to persuade people to help put this amendment on the ballot. Unfortunately, they misled the public. Child pornography is already pro-

hibited by the Colorado and federal criminal codes, and Amendment 16 will not help at all in the fight against child pornography. Child pornography is a criminal matter (it is a crime!), rather than a free

speech issue. Both federal and state courts have long ago held that there is no constitutional freedom of speech for child pornography.

Important question #4
Are governmental controls at the local level a good idea?

Amendment 16 would permit each city or county in Colorado to write differing restrictions on freedom of speech. Without a doubt, the resulting patchwork

of local restrictions will hurt mainstream distributors, wholesalers, publishers and librarians. Here in the Colorado Springs area, the Pikes Peak Library District may be forced to limit distribution of books to the various communities within the library district if they pass different censorship laws. This would be an administrative nightmare for libraries and booksellers, who might otherwise face expensive legal battles. This is another "chilling effect" of Amendment 16.

Who's for, against, and neutral

Proponents of Amendment 16 include CHILD, Focus on the Family and their political offshoot, Rocky Mountain Family Council and Con-

cerned Women For America. Focus on the Family head Dr. Dobson recently wrote that those opposing Amendment 16 either "...stand to benefit from pornography, or are willing to completely ignore the dangers proved to be associated with hard-core pornography exposure."

Opponents include the Colorado Library Association, the Mountain and Plains Booksellers, the Motion Picture Association of America, ACLU, and the League of Women Voters.

Conspicuously absent is the Colorado District Attorney Council, which has refused to take a position in favor of Amendment 16. One reason that the Republican-dominated Colorado legislature refused to pass similar "Amendment 16" legislation proposed by CHILD in 1993 and again in 1994 was that none of the Colorado District Attorneys were concerned enough to testify that this legislation was needed. Our local District Attorney, John Suthers, indicated last February that pornography was not a significant problem in Colorado Springs.

What difference does it make?

In the days gone by, our government attempted (often successfully) to censor artistic works on the grounds that they were obscene. These included such literary classics as Salinger's *Catcher in the Rye*, and Mark Twain's *Huckleberry Finn*. Amendment 16 attempts to return us to those days when the government

"The ultimate result of Amendment 16 may be a 'dumbing down' of Colorado."

had a larger voice in deciding what we could or could not read or view.

The ultimate result of Amendment 16 may be a "dumbing down"

of Colorado, as booksellers and libraries withdraw challenged materials from the entire state in order to avoid expensive multi-jurisdictional litigation. This would threaten the free marketplace of ideas that has helped make Colorado an attractive place to live and learn.

Many question the need to limit our freedom of speech by amending our constitution, particularly when zoning and other regulations currently in place have been and continue to be effective ways to control hard-core pornography in Colorado. **CP**

- Doug Triggs

Second Chance

[Continued from Page 1]

that its school falls within this religious exemption, and the Colorado Attorney General recently agreed with this interpretation of the exemption. Consequently, Second Chance does not require a license, and it does not have to comply with RCCF regulations.

What does this mean? Second Chance has shown that Christians and followers of

other spiritual paths have a right under the First Amendment and Colorado law to choose a private rehabilitation facility which does not conform to the commonly accepted psychiatric model of treatment. A governmental requirement for one particular model of care, which conflicts with the beliefs of those who have chosen to establish and fund a religious care facility, diminishes religious liberty. Obviously, however, this does not apply to facilities which utilize public funding, and these First Amendment rights are not unlimited.

The Religious Freedom Restoration Act

The First Amendment protections for religious freedom and separation of church and state are familiar concepts. However, the Religious Freedom Restoration Act is new and deserves some discussion.

The RFRA was signed by President Clinton last year. In the gridlock of national politics, this was one of the few laws that drew support from across the political spectrum. Supporters included the ACLU, Americans United for Separation of Church and State, People for the American Way, National Association of Evangelicals, Christian Legal Society, and the U.S. Catholic Conference, among others.

RFRA provides that the government shall not substantially burden the free exercise of religion, even through laws of general applicability. The intent of RFRA is to strengthen the free exercise of all religions, unless there is a compelling reason to

restrict religious practices (and then such restrictions can only use the "least restrictive" means). RFRA protects the rights of all religions, not just those that are popular.

What's the possible impact of the Religious Freedom Restoration Act on the Second Chance raid of last August?

The RFRA probably requires that private religious boarding schools be exempted from Colorado's general boarding school regulations. The RFRA may also

require the government to use "least restrictive" methods to resolve its dispute with Second Chance – for example, by using non-intrusive methods like administrative hearings or declaratory judgment actions, rather than police raids and court orders without a full hearing.

Does RFRA mean that anything goes?

After a follow-up investigation of Second Chance, the court orders closing the facility have been voluntarily dismissed, and Second Chance can reopen without having a license from the state of Colorado. However, a pending misdemeanor child abuse case remains. This alleged child abuse incident shows the limits of the Religious Freedom Restoration Act: governments can act to restrict religious practices when there is a strong and compelling reason, such as the prevention of child abuse.

Why should we care?

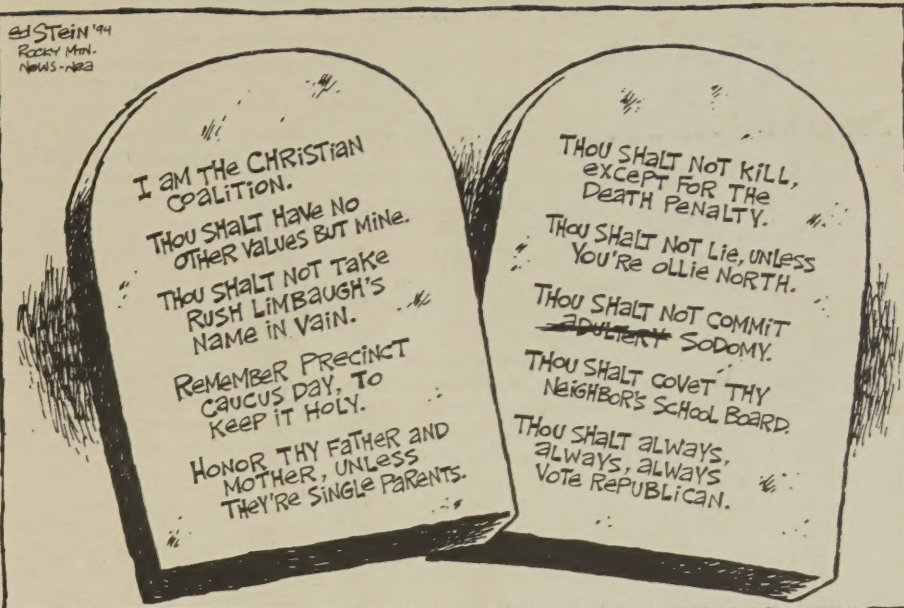
The Citizens Project motto of "Celebrate Diversity" means we must not only celebrate the diversity and protect the rights of our friends, but also be concerned with the rights of those with whom we may disagree. The Second Chance incident helps us to understand the constitutional rights (and limitations) for conservative Christians and for all other religious and spiritual groups. A failure to be concerned about the religious liberty of Second Chance today may help jeopardize the rights of others to freely practice their spiritual beliefs tomorrow.

— CP

Amendment 2 Victory!

The Colorado Supreme Court has ruled that Amendment 2 is unconstitutional. Congratulations to all who continue to work for full equality for all Colorado citizens!

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News Briefs

Christian Coalition school board candidates lose in Florida, Virginia

Last May, the Lake County (Florida) school board achieved notoriety by requiring teachers to teach that American culture was superior to all other cultures. This month, voters in the Lake County Republican primary defeated the "America First" conservative slate backed by Christian Coalition and voted instead for moderate Republicans who opposed this policy. Pat Hart, local Christian Coalition member, attributed the loss in part to "two years of constant anti-Christian bashing by the liberal media." This Florida loss comes on top of a high-profile school board election in Virginia Beach, Virginia (headquarters of Pat Robertson's media empire and university), where all five of the Christian Coalition candidates lost to moderates.

School vouchers in New Jersey

The governor of New Jersey has proposed a five-year pilot program of vouchers to subsidize children in private and parochial schools. The program would give each student a certificate that could be applied against the child's private school tuition. Educational officials said that the voucher experiment would not change spending for public school pupils. However, voucher proponents were vague on where the tax money would come from to pay for the private school vouchers, and whether schools that accepted this state money would have to accept state educational monitoring. The New Jersey plan does require that schools accepting state money through vouchers comply with the government's non-discrimination laws. A similar voucher plan in Puerto Rico has been held unconstitutional by lower courts there.

Focus on Pittsburgh

Focus in the Family's *Teachers in Focus* magazine (Oct. 1994) noted that a Pittsburgh public school district was being sued because one of its teachers "had the nerve" to teach creationism. Two junior high students had filed suit after hearing a creationist lecture at a student assembly. The Focus article failed to note that teaching creationism in public schools has been outlawed by the U.S. Supreme Court since 1978.

Christian Coalition under investigation

The *Gazette Telegraph* carried a report that Pat Robertson's Christian Coalition is being investigated for breaking the law in 35 states for raising money as a tax-exempt organization and then spending that money for political action in support of Republicans. The investigation is being conducted by the Federal Election Commission, acting in response to complaints by Democrats.

Christian Coalition advances to the left

Pat Robertson's Christian Coalition, which has long been criticized as an intolerant and extremist group, is attempting to moderate its image. Ralph Reed, executive director of Christian Coalition, is moving away from support for a pro-life constitutional amendment, in order to help future Republican candidates. He notes that Christian Coalition "has worked to elect Republicans in Texas, Georgia and elsewhere who favor abortion rights." Pat Robertson now represents that he "strongly endorses the separation of church and state," according to Gene Kapp, vice-president of Robertson's Christian Broadcasting Network. These changes have not gone unnoticed. Randall Terry, founder of Operation Rescue, recently denounced Christian Coalition for compromising absolute Christian morality: "The horrifying truth is that much of the Christian right, led by the Christian Coalition, has become the mistress of the Republican Party...We cannot – in the name of Christian Coalition – sell out the law of heaven for short-term political gain." Terry noted with approval that not all Christian Coalition chapters agree with the national office's immoral actions. CP

Don't Forget to Vote November 8!

For information on the pros and cons of the proposed ballot issues, Citizens Project is distributing the Legislative Council's Analysis of 1994 Ballot Proposals. For a free copy, stop by the Citizens Project office, Chinook Bookstore, Poor Richard's Bookstore, or McKinzie-White Booksellers.

Also, don't miss the cover story in the November 2 issue of *The Independent* for some important candidate information!

Inside CP

Religion in the classroom

On September 17, eighty people attended *Religion in the Classroom: Law, History and Practical Guidelines*, a day-long seminar which brought greater clarity to this often confusing issue. Speakers and panelists with differing perspectives made this an interesting and informative seminar. Steven Green's excellent discussion of the history of religion in the public schools was a highlight of our seminar. Copies of this and of his speech on church and state are available through the Citizens Project office; simply send the coupon and \$2.00. Mr. Green is the legal director for Americans United for Separation of Church and State, and Citizens Project appreciates his invaluable contribution to this seminar.

From Seuss to Shakespeare: Celebrating the right to read

Smokebrush Center hosted an evening of performances and banned book readings September 23 to recognize banned book week. The event was cooperatively sponsored by Pikes Peak Library District, Smokebrush Center, Citizens Project and McKinney-White Booksellers. Smokebrush was packed for this event, and we would like to thank all who participated. This was the first in what we hope will be an annual event commemorating banned book week.

Dialogue Dinners take root

This month brings the start of ten new Dialogue Dinner groups, with plans for new groups to begin every two months. We continue to be very excited about the potential of these groups to further understanding, and will report on highlights as they progress.

Volunteer update

A big thank you to those working behind the scenes to make the Religion in the Classroom seminar a success: John Birkhead, Jay Kilgore, Sara Minor, Chuck Stone, Vern Turner, Linda Lynch, Jonathan Reilly, Peg Bacon, Elaine Yaffe, Shelley Anckner and various office volunteers.

Some new faces in the Citizens Project office include Connie Elliott, Linda Valk, Cindy Hultsman, Maureen Davies and Sara Minor. Joanne Falcone has volunteered to replace Shelley Anckner as Sustaining Partners Coordinator - thanks Joanne, and thanks to Shelley for her long hard hours and fine work. We are still in need of help, so if you have a few daytime hours to spare or would like to become involved in upcoming events, please call the office.

We also need individuals to distribute *Freedom Watch*, and we welcome your suggestions for additional distribution points in the Pikes Peak region. If you have a store or office where you would like to

have *Freedom Watch* distributed, or if you have a vehicle and enjoy driving the highways and byways while meeting interesting, open-minded people, please call the CP office.

For these and other volunteer questions call 520-9899 and ask for Pat.

Have a party at your house

This fall we are launching our "house party" fundraisers. In October, 25 guests enjoyed a quartet of chamber music organized by Susan Smith of the Colorado Springs Symphony. In November, we will be hosting a jazz trio headed by Tom Ross (see the clip-out coupon to reserve your seat). We are looking for people who are willing to open their homes to about two dozen fellow Citizens Project supporters for one or more evenings in 1995. If you would enjoy hosting a fundraiser for us, call Bill Huddy at the office 520-9899. **CP**

Freedom Watch Sponsors

This *Freedom Watch* was made possible with assistance from the following sponsors. If you would like to be a sponsor, please contact Douglas Triggs at 634-2836.

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P.O. Box 2085,
Colorado Springs,
Colorado 80901
Phone: (719) 520-9899
Fax: (719) 520-0118

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Our Mission: Citizens Project is a grassroots organization in the Pikes Peak region dedicated to upholding the traditional American values of pluralism, freedom of religion and separation of church and state.

Yes, I would like to help support Citizens Project. Enclosed is my contribution of:

Contributors of \$15 or more will receive future issues of *Freedom Watch* and candidate surveys by mail, and will also receive special notices about Citizens Project activities.

☐ **Yes!**

I'd like to spend an evening with the Tom Ross Trio on November 17.

Please reserve _____ space(s) at \$40 per person or \$75 for two

Available for suggested donations

- ☐ Copy of Steven Green speeches - \$2
- ☐ "Celebrate Diversity" button - 50 cents
- ☐ "Celebrate Diversity, Create Community" mug - \$5
- ☐ Newly Designed CP T-shirt - \$12 (specify size)

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- ☐ "Celebrate Diversity" bumper sticker
- ☐ September/October issue of *Freedom Watch*

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☐ Enclosed is my check for \$_____ for the items marked above.

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Mail to: Citizens Project, Box 2085, Colorado Springs, CO 80901. **N36**

Thank you for your support. Please note contributions are tax deductible.

Citizens Project Events

November 1 7PM First Tuesday: Forum on Free Speech and Obscenity

Amendment 16 will be the subject of a forum featuring Tom Minnery of Focus on the Family (in support of the proposed amendment) and Bernard Margolis, Director of the Pikes Peak Library District (opposing Amendment 16). The forum will be held at Davis Auditorium in the Downtown Penrose Library, 20 N. Cascade Avenue.

November 3 7PM Forum on Campaign Reform

Election reform Amendments 12 and 15 will be discussed in this forum. Among our speakers will be Lois Court of Citizens Against Amendment 12, John Atkinson of Common Cause, and Joe Herbeck and Sara Hoyt of Coloradans for Responsible Reform. Come learn about Colorado's two new proposed constitutional amendments on election reform. The forum will be held at Davis Auditorium in the Downtown Penrose Library.

November 17 7PM The Tom Ross Trio!

This evening of vintage jazz is the second in a series of "house party" fundraisers. It will last from 7 to 10 p.m., is limited to 25 guests, will include sherry and dessert, and costs only \$40 per person or \$75 for two. Don't miss this opportunity for scintillating conversation with fellow Citizens Project supporters and board members. To reserve your space, return the clip-out form to Citizens Project.

December 6 7PM First Tuesday: Religious Holidays in the Public Schools

Along with holiday celebrations, December always raises the difficult issue of proper handling of religious holidays in the public schools. Join us for a look at inclusive approaches to the holidays, and effective ways of working with your child's school this holiday season. The program will be held at East Library and Information Center. **CP**

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